



***MINUTES OF THE SPECIAL MEETING  
OF THE MERIT BOARD – March 11, 2014***

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***State Universities Civil Service System Office  
1717 Philo Road, Suite 24  
Urbana, Illinois 61802  
&  
(Video Conference)  
University of Illinois at Chicago  
Human Resource Building  
Room 201D  
715 South Wood Street  
Chicago, Illinois  
&  
(Video Conference)  
Southern Illinois University Carbondale  
Miles Hall  
Conference Room 003A  
1255 Douglas Drive  
Carbondale, IL***

Chair Montgomery called the meeting to order at 10:05 a.m.

Members present at the primary meeting location were: Karen Hasara, representing the University of Illinois; Betty Kinser, representing Illinois State University; Robert T. Marshall, Jr., representing Northern Illinois University; and Robert D. Webb, representing Eastern Illinois University.

Members present at the Chicago videoconference location were: James D. Montgomery, Chair, representing the University of Illinois; Lyneir Cole, representing Western Illinois University; Marvin Garcia, representing Northeastern Illinois University; Spencer Leak, Sr., representing Chicago State University; and Brian Mitchell, representing Governors State University.

Member present at the Southern Illinois University Carbondale videoconference location was: Donna Manering, representing Southern Illinois University.

Member absent was: Patricia Brown Holmes, representing the University of Illinois.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Mari Martinelli, Manager, Legal Services and Legal Counsel; and Teresa Rademacher, Secretary for the Merit Board. Various other university employees and University System Office staff were also in attendance.

### ***Consideration of participation by other Merit Board Members, not physically present at meeting site***

No members had requested to participate by teleconference.

### ***Merit Board Reorganization***

The Board conducted reorganization activities, electing its officers for calendar year 2014. Mr. Montgomery called for nominations for Chair. Ms. Hasara made a motion to elect James Montgomery as Chair. Mr. Mitchell seconded Ms. Hasara's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Mr. Montgomery made a motion to elect Karen Hasara as Vice Chair. Mr. Cole seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

Mr. Montgomery made a motion to re-elect Lyneir Cole to the Executive Committee. Mr. Mitchell seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. Mr. Cole made a motion to elect Brian Mitchell to the Executive Committee. Mr. Garcia seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

The following officers for calendar year 2014 are:

- *Chair: James Montgomery*
- *Vice Chair: Karen Hasara*
- *Executive Committee: Lyneir Cole and Brian Mitchell*

Mr. Montgomery made a motion to reappoint Teresa Rademacher as Secretary for the Merit Board. Ms. Hasara seconded Mr. Montgomery's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Consideration of the Minutes of the 189<sup>th</sup> Meeting of the Merit Board, September 10, 2013***

The minutes of the 189<sup>th</sup> meeting of the Merit Board, September 10, 2013 had been transmitted to members of the Merit Board with the special agenda materials.

Mr. Garcia moved to approve the minutes of the 189<sup>th</sup> meeting of the University Civil Service Merit Board. Mr. Cole seconded Mr. Garcia's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Consideration of the Minutes of the 190<sup>th</sup> Meeting of the Merit Board, November 13, 2013***

The minutes of the 190<sup>th</sup> meeting of the Merit Board, November 13, 2013 had been transmitted to members of the Merit Board with the special agenda materials.

Mr. Garcia moved to approve the minutes of the 190<sup>th</sup> meeting of the University Civil Service Merit Board. Mr. Mitchell seconded Mr. Garcia's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Consideration of the Minutes of the 191<sup>st</sup> Meeting of the Merit Board, February 11, 2014***

The minutes of the 191<sup>st</sup> meeting of the Merit Board, February 11, 2014 had been transmitted to members of the Merit Board with the special agenda materials.

Mr. Cole moved to approve the minutes of the 191<sup>st</sup> meeting of the University Civil Service Merit Board. Mr. Mitchell seconded Mr. Cole's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

***Request for Review by the Merit Board of the Executive Director's Review Decision in Case No. MB-RD-EIU-13-10 (Eastern Illinois University) and Case No. MB-RD-WIU-13-2 (Western Illinois University), filed by Neil J. Hoover pursuant to section 250.130(b) of the Illinois Administrative Code (80 Ill. Adm. Code §250.130(b))***

On November 5, 2013 and February 27, 2014, the Secretary for the Merit Board mailed to each member of the Merit Board an internal summary report and the complete Review Decision of the Executive Director regarding this matter. The Merit Board was asked to review the case and be prepared to act on this matter at this meeting. Note that Mr. Hoover's two cases were

combined since they concern the same personnel topic and were filed simultaneously by Mr. Hoover.

Chair Montgomery asked Mr. Morelock to give a summary of the case. Mr. Morelock summarized the case by stating that Mr. Hoover had requested a Merit Board review of the Review Decision by the Director. Mr. Hoover questioned the denial of his eligibility for veterans' preference points, particularly as applied to his civil service pre-employment testing and placement on various civil employment registers at both Western Illinois University (WIU) and Eastern Illinois University (EIU). Specifically, Mr. Hoover alleged that he is a disabled veteran and that he was qualified to receive 10 veteran's preference points, despite the fact that he does not meet the guidelines per the State Universities Civil Service System.

On September 18, 2013 after completing a thorough investigation and evaluation of the record, Mr. Morelock determined that EIU and WIU's assessment and application of veteran's preference points in the pre-employment testing process for Mr. Hoover was consistent with Civil Service statute, rules, and procedures.

Chair Montgomery asked for a motion to either affirm the Executive Director's Review Decision as the final decision of the Merit Board or order such further review procedures. Mr. Garcia made a motion that the Executive Director's Decision be upheld. Mr. Cole seconded Mr. Garcia's motion.

A roll call vote was taken and the motion was approved with the following vote:

Mr. Garcia .....	Aye
Ms. Hasara .....	Aye
Judge Holmes .....	Absent
Mrs. Kinser .....	Aye
Mr. Leak.....	Aye
Dr. Manering .....	Aye
Mr. Marshall.....	Aye
Mr. Mitchell.....	Aye
Mr. Montgomery.....	Aye
Dr. Webb .....	Aye
Mr. Cole .....	Aye

The following decision and order was therefore adopted.

## STATE OF ILLINOIS



### STATE UNIVERSITIES CIVIL SERVICE SYSTEM

In re NEIL J. HOOVER,	)	BEFORE THE UNIVERSITY
	)	CIVIL SERVICE MERIT BOARD
	)	
MERIT BOARD REVIEW DECISION	)	
OF THE EXECUTIVE DIRECTOR,	)	
	)	NO. MB-RD-EIU-13-1
		and MB-RD-WIU-13-2

### ***DECISION AND ORDER OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD***

#### **NATURE OF THE PROCEEDING**

On October 16, 2013, Neil J. Hoover, an applicant at Eastern Illinois University (EIU) and Western Illinois University (WIU), filed with the State Universities Civil Service System Office (University System Office) a written request for a Review Decision of the Director questioning the refusal to award Veteran's preference points in his application and testing for various civil service positions at EIU and WIU. Following confirmation that Mr. Hoover had exhausted all his administrative remedies at both EIU and WIU, the Executive Director initiated an investigation as authorized by section 250.130(a) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code § 250.130(a)). On September 18, 2013, the Executive Director issued a Review Decision determining that EIU's and WIU's assessment and application of veteran's preference points in the civil service pre-employment testing process regarding Mr. Hoover's application was conducted in accordance with Civil Service statute, rules, and procedures.

### **DECISION AND ORDER**

Now being fully advised of the matters contained in the Review Decision Records, the University Civil Service Merit Board finds that these review proceedings have been commenced and conducted in compliance with section 250.130(b) of the Code (80 Ill. Adm. Code § 250.130(b)) and that the University Civil Service Merit Board has jurisdiction of the parties and subject matter thereof and issues the following Decision and Order:

***The Executive Director's Review Decisions rendered in these matters on September 18, 2013 are affirmed and adopted as the Final Decisions and Order of the Merit Board. A copy of said Review Decisions are attached hereto, and by reference incorporated herein.***

**DATED AND ENTERED** this 11<sup>th</sup> day of March, 2014.

By: */s/ James D. Montgomery*  
University Civil Service Merit Board

ATTEST:

*/s/ Teresa M. Rademacher*  
Teresa M. Rademacher  
Secretary for the Merit Board

#### ***Consideration of revisions to the State Universities Civil Service System Freedom of Information Act Policy***

Mr. Morelock updated the Merit Board on the State Universities Civil Service System Freedom of Information Act Policy. The policy reflects the law change and requires that all appeals are handled through the Attorney General's Office. A revised policy and form was submitted to the Merit Board in the special agenda materials. After discussion, Chair Montgomery requested a motion to approve the new FOIA Policy as presented in the special agenda materials. Dr. Webb made a motion to adopt the policy and form. Ms. Hasara seconded Dr. Webb's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

### ***Consideration of the 2014 Schedule of Meetings of the Merit Board***

Mr. Morelock informed the Merit Board that the following dates had been set for meetings in 2014:

- *Wednesday, May 21, 2014*
- *Wednesday, August 20, 2014*
- *Wednesday, November 12, 2014*

After discussion, Mr. Garcia made a motion to approve the proposed 2014 meeting dates. Mr. Cole seconded Mr. Garcia's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried.

### ***Executive Session***

Mr. Marshall made a motion to go into Executive Session at 10:20 a.m. Mr. Garcia seconded Mr. Marshall's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. The Merit Board formally adjourned to Executive Session to discuss personnel matters. Section 2(c)(1) of the Open Meetings Act provides an exception to allow for this action.

Ms. Hasara made a motion to reopen the meeting. Mr. Mitchell seconded Ms. Hasara's motion. In accordance with the Merit Board Bylaws, a voice vote was taken and the motion carried. The meeting reopened at 11:18 a.m. Chair Montgomery reported that no action was taken during the closed session.

### ***Other Items as Presented***

The next meeting of the Merit Board will be on Wednesday, May 21, 2014 at the University System office, with videoconference locations in the Chicago and Carbondale areas. Mr. Mitchell made a motion to adjourn the meeting. Mr. Cole seconded Mr. Mitchell's motion. A voice vote was taken and carried. The meeting adjourned at 11:18 a.m.

Respectfully submitted,

*/s/ Teresa M. Rademacher*

Teresa M. Rademacher  
Secretary for the Merit Board

APPROVED:

*/s/ James D. Montgomery* \_\_\_\_\_

James Montgomery, Chair  
University Civil Service Merit Board

May 21, 2014 \_\_\_\_\_

Date